



Monday
April 27, 1998

Part LXIV

Surface Transportation Board

Semiannual Regulatory Agenda

SURFACE TRANSPORTATION BOARD (STB)

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Ch. X

[STB Ex Parte No. 536; Sub-No. 4]

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board, DOT.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Surface Transportation Board, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of: (1) Current and projected rulemakings and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601

et seq. (RFA), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that, during the months of April and October of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such

proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Board's best estimate of rules which will be considered over the next 12 months. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Board is publishing its April 1998 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions. The Unified Agenda of Federal Regulatory and Deregulatory Actions is coordinated by the Office of Management and Budget pursuant to Executive Order 12866. The Board is participating in the program voluntarily to assist OMB.

Decided: February 11, 1998.
By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4491	Railroad Consolidation Procedures: Class Exemption for Transactions Subject to the Statutory Consolidation Provision, Ex Parte No. 282 (Sub-No. 15)	2140-AA03
4492	Rail General Exemption Authority—Exemption of Paints, Enamels, Lacquers, Shellacs, Etc., Ex Parte No. 346 (Sub-No. 33)	2140-AA05
4493	Revisions to Regulations Governing Finance Applications Involving Motor Passenger Carriers, STB Ex Parte No. 559	2140-AA37
4494	Rail General Exemption Authority—Nonferrous Recyclables, STB Ex Parte No. 561	2140-AA39
4495	Rail Service Continuation Subsidy Standards, STB Ex Parte No. 566	2140-AA43
4496	Safe Implementation of Board-Approved Transactions, STB Ex Parte No. 574	2140-AA50

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4497	Expedited Procedures for Processing Simplified Rail Rate Reasonableness Proceedings, STB Ex Parte No. 527 (Sub-No. 1)	2140-AA24
4498	Service Obligations Over Excepted Track, STB Ex Parte No. 564	2140-AA41
4499	Nomenclature Changes in the Board's Regulations, STB Ex Parte No. 567	2140-AA44
4500	Modifications to the General Provisions of the Board, STB Ex Parte No. 568	2140-AA45
4501	Removal of Obsolete Motor Passenger Carrier Accounting Regulations, STB Ex Parte No. 569	2140-AA46
4502	Technical Amendments Concerning Employee Boards, STB Ex Parte No. 570	2140-AA47
4503	Revision of Authority Citations, STB Ex Parte No. 571	2140-AA48

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Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
4504	Removal of Miscellaneous Obsolete Regulations, STB Ex Parte No. 572	2140-AA49

SURFACE TRANSPORTATION BOARD (STB)

Long-Term Actions

4491. RAILROAD CONSOLIDATION PROCEDURES: CLASS EXEMPTION FOR TRANSACTIONS SUBJECT TO THE STATUTORY CONSOLIDATION PROVISION, EX PARTE NO. 282 (SUB-NO. 15)

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 11341; 49 USC 11343 to 11346; 11 USC 1172; 45 USC 904; 45 USC 915; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1180

Legal Deadline: None

Abstract: The Board is considering whether to expand the "nonconnecting carrier" class exemption to embrace all transactions subject to the statutory consolidation provision, except (1) transactions involving the merger or control of at least two class I railroads; (2) transactions involving a reduction in the number of noncommonly controlled railroads serving any two points; (3) transactions involving a reduction from three to two in the number of noncommonly controlled railroads serving any interchange points.

Timetable:

Action	Date	FR Cite
NPRM	07/14/92	57 FR 31165
NPRM Comment Period End	08/30/92	
Internal Review of Comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Statutory references to title 49 of the United States Code are prior to their amendment by the ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803, which became effective on January 1, 1996.

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RIN: 2140-AA03

4492. RAIL GENERAL EXEMPTION AUTHORITY—EXEMPTION OF PAINTS, ENAMELS, LACQUERS, SHELLACS, ETC., EX PARTE NO. 346 (SUB-NO. 33)

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10708; 49 USC 10762; 49 USC 11105; 5 USC 553

CFR Citation: 49 CFR 1039

Legal Deadline: None

Abstract: The Board is investigating whether to exempt from regulation the rail transportation of paints, enamels, lacquers, shellacs, and other commodities included within Standard Transportation Commodity Code (STCC) No. 285.

Timetable:

Action	Date	FR Cite
NPRM	10/21/93	58 FR 54318
NPRM Comment Period End	11/22/93	
Internal Review of Comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Statutory references to title 49 of the United States Code are prior to their amendment by the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which became effective on January 1, 1996.

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RIN: 2140-AA05

4493. REVISIONS TO REGULATIONS GOVERNING FINANCE APPLICATIONS INVOLVING MOTOR PASSENGER CARRIERS, STB EX PARTE NO. 559

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 5 USC 552(a)(4)(A); 5 USC 553; 31 USC 9701; 49 USC 721(a); 49 USC 14303

CFR Citation: 49 CFR 1002.2(f)(2); 49 CFR 1002.2(f)(5); 49 CFR 1182; 49 CFR 1187; 49 CFR 1188

Legal Deadline: None

Abstract: The Surface Transportation Board has proposed to revise the procedures governing finance applications involving motor passenger carriers filed under 49 USC 14303. The proposed procedures adopt, with modifications, the existing procedures promulgated by the Interstate Commerce Commission. The regulations at 49 CFR parts 1187 and 1188 are proposed to be removed and replaced by new provisions incorporated at 49 CFR part 1182.

Timetable:

Action	Date	FR Cite
NPRM	07/08/97	62 FR 36477
NPRM Comment Period End	08/07/97	
Internal Review of Comments	00/00/00	

Small Entities Affected: None

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Government Levels Affected: None

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4494. RAIL GENERAL EXEMPTION AUTHORITY—NONFERROUS RECYCLABLES, STB EX PARTE NO. 561

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 5 USC 553; 49 USC 10502; 49 USC 13301

CFR Citation: 49 CFR 1039

Legal Deadline: None

Abstract: The Surface Transportation Board is considering whether to exempt from regulation 29 nonferrous recyclables.

Timetable:

Action	Date	FR Cite
NPRM	05/16/97	62 FR 27003
NPRM Comment Period End	07/15/97	
Internal Review of Comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This rulemaking embraces and expands the proposed rulemaking in Ex Parte No. 346 (Sub-No. 36), which was issued by the former Interstate Commerce

Commission. That proceeding was discontinued on May 5, 1997.

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4495. • RAIL SERVICE CONTINUATION SUBSIDY STANDARDS, STB EX PARTE NO. 566

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 49 USC 721(a)

CFR Citation: 49 CFR 1155

Legal Deadline: None

Abstract: The Surface Transportation Board is proposing to remove from the Code of Federal Regulations the standards for determining subsidies for the continuation of rail service to govern rail properties not transferred to Consolidated Rail Corporation under the Final System Plan pursuant to the Regional Rail Reorganization Act of 1973.

Timetable:

Action	Date	FR Cite
NPRM	08/08/97	62 FR 42734
NPRM Comment Period End	09/08/97	
Internal Review of Comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

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4496. • SAFE IMPLEMENTATION OF BOARD-APPROVED TRANSACTIONS, STB EX PARTE NO. 574

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 10101

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Surface Transportation Board is requesting comments on whether to propose rules to require railroads to provide detailed information setting forth the manner in which they intend to safely implement authority granted by the Board in proceedings subject to the Board's jurisdiction.

Timetable:

Action	Date	FR Cite
ANPRM	12/04/97	62 FR 64193
ANPRM Comment Period End	02/19/98	
Internal Review of Comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

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SURFACE TRANSPORTATION BOARD (STB)

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4497. EXPEDITED PROCEDURES FOR PROCESSING SIMPLIFIED RAIL RATE REASONABLENESS PROCEEDINGS, STB EX PARTE NO. 527 (SUB-NO. 1)

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 10704(c)(2); 49 USC 10704(d)

CFR Citation: 49 CFR 1111

Legal Deadline: None

Abstract: The Surface Transportation Board will include in its regulations a list of the information that a complainant should supply when seeking to have its rail rate reasonableness challenge evaluated under the simplified procedures adopted in Rate Guidelines - Non-Coal

Proceedings, Ex Parte No. 347 (Sub-No. 2) (STB served Dec. 31, 1996). The Board will decide whether the simplified procedures are appropriate to use in a particular case within 50 days of the filing of the rate complaint. The Board declined to establish a general procedural schedule to govern the filing of evidence when the

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simplified procedures are used; rather a procedural schedule will be set on a case-by-case basis.

Timetable:

Action	Date	FR Cite
ANPRM	02/12/97	62 FR 6508
ANPRM Comment Period End	03/14/97	
NPRM	09/24/97	62 FR 50550
NPRM Comment Period End	11/10/97	
Final Action	01/16/98	63 FR 2638
Final Action Effective	02/15/98	

Small Entities Affected: None

Government Levels Affected: None

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RIN: 2140-AA24

4498. SERVICE OBLIGATIONS OVER EXCEPTED TRACK, STB EX PARTE NO. 564

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553

CFR Citation: None

Legal Deadline: None

Abstract: Notice of proposed rule withdrawn. The Surface Transportation Board will continue the current practice of evaluating railroad service issues on a case-by-case basis.

Timetable:

Action	Date	FR Cite
NPRM	05/07/97	62 FR 24896
NPRM Comment Period End	08/05/97	
Withdrawn	10/22/97	62 FR 54820

Small Entities Affected: None

Government Levels Affected: None

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RIN: 2140-AA41

4499. • NOMENCLATURE CHANGES IN THE BOARD'S REGULATIONS, STB EX PARTE NO. 567

Priority: Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 721(a)

CFR Citation: 49 CFR 1002; 49 CFR 1003; 49 CFR 1007; 49 CFR 1011; 49 CFR 1012; 49 CFR 1013; 49 CFR 1014; 49 CFR 1016; 49 CFR 1017; 49 CFR 1018; 49 CFR 1019; 49 CFR 1021; 49 CFR 1039; 49 CFR 1100; 49 CFR 1102; ...

Legal Deadline: None

Abstract: The Board revised its regulations to make nomenclature changes to reflect the transfer of functions from the Interstate Commerce Commission to the Surface Transportation Board.

Timetable:

Action	Date	FR Cite
Final Action	08/05/97	62 FR 42075

Small Entities Affected: None

Government Levels Affected: None

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RIN: 2140-AA44

4500. • MODIFICATIONS TO THE GENERAL PROVISIONS OF THE BOARD, STB EX PARTE NO. 568

Priority: Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 5 USC 552; 5 USC 553; 31 USC 701; 49 USC 702; 49 USC 721; 49 USC 10709(d); 49 USC 11144; 49 USC 11145; 49 USC 11301; 49 USC 13702(b); 49 USC 14122; 49 USC 15721

CFR Citation: 49 CFR 1000; 49 CFR 1001; 49 CFR 1011

Legal Deadline: None

Abstract: The Board revised its regulations to reflect: the elimination of certain functions; nomenclature changes resulting from the transfer of functions from the Interstate Commerce Commission to the Surface Transportation Board; the closing of field offices; and the removal of unnecessary rules.

Timetable:

Action	Date	FR Cite
Final Action - (Final Rule Correction - 09/25/97, 62 FR 50257)	09/18/97	62 FR 48953
Final Action Effective	09/18/97	

Small Entities Affected: None

Government Levels Affected: Federal

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RIN: 2140-AA45

4501. • REMOVAL OF OBSOLETE MOTOR PASSENGER CARRIER ACCOUNTING REGULATIONS, STB EX PARTE NO. 569

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 49 USC 721(a)

CFR Citation: 49 CFR 1206

Legal Deadline: None

Abstract: The Surface Transportation Board has removed from the Code of Federal Regulations obsolete rules concerning the Uniform System of Accounts for motor carriers of passengers.

Timetable:

Action	Date	FR Cite
Final Action	09/05/97	62 FR 46919
Final Action Effective	09/05/97	

Small Entities Affected: None

Government Levels Affected: None

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4502. • TECHNICAL AMENDMENTS CONCERNING EMPLOYEE BOARDS, STB EX PARTE NO. 570

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 5 USC 553; 31 USC 9701; 49 USC 701; 49 USC 721; 49 USC 13301(f); 49 USC 13702; 49 USC 13703; 49 USC 14709

CFR Citation: 49 CFR 1011; 49 CFR 1118; 49 CFR 1130; 49 CFR 1132

Legal Deadline: None

Abstract: The Board revised its regulations to remove obsolete delegations of authority; update references to statutory provisions; eliminate several employee boards; delegate to designated offices and individuals certain of the matters formerly delegated to employee boards; and reserve to the Board the initial decision making authority for certain formerly delegated matters.

Timetable:

Action	Date	FR Cite
Final Action	09/29/97	62 FR 50882

Small Entities Affected: None

Government Levels Affected: None

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4503. • REVISION OF AUTHORITY CITATIONS, STB EX PARTE NO. 571

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 49 USC 721; 49 USC 10706; 49 USC 13703

CFR Citation: 49 CFR 1003; 49 CFR 1005; 49 CFR 1007; 49 CFR 1012; 49 CFR 1013; 49 CFR 1016; 49 CFR 1018; 49 CFR 1019; 49 CFR 1021; 49 CFR 1033; 49 CFR 1034; 49 CFR 1035; 49 CFR 1037; 49 CFR 1090; 49 CFR 1100; ...

Legal Deadline: None

Abstract: The Surface Transportation Board has amended its regulations by updating its authority citations in the Code of Federal Regulations to reflect statutory changes made by the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (1995) and by previous statutes.

Timetable:

Action	Date	FR Cite
Final Action	09/26/97	62 FR 50522
Final Action Effective	09/26/97	

Small Entities Affected: None

Government Levels Affected: None

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4504. • REMOVAL OF MISCELLANEOUS OBSOLETE REGULATIONS, STB EX PARTE NO. 572

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing

Government effort. It will eliminate existing text in the CFR.

Legal Authority: 49 USC 721(a)

CFR Citation: 49 CFR 1022; 49 CFR 1030; 49 CFR 1091; 49 CFR 1131; 49 CFR 1143; 49 CFR 1156; 49 CFR 1170

Legal Deadline: None

Abstract: The Surface Transportation Board has removed seven obsolete parts of the Code of Federal Regulations concerning: cooperative agreements with states; contracts between common carriers; tariff requirements for Alaskan motor-ocean-motor "substituted service"; procedures for rate complaints and petitions by railroads to review state intrastate decisions or applications or prescribed intrastate rates; review of intrastate motor passenger carriers' rate cases; procedures for the submission of cost data for rail directed service under the Regional Rail Reorganization Act of 1973; and regulations concerning reemployment rights for employees of motor passenger carriers who lose their jobs because of discontinuances or reductions in regular-route service.

Timetable:

Action	Date	FR Cite
Final Action	09/29/97	62 FR 50885
Final Action Effective	09/29/97	

Small Entities Affected: None

Government Levels Affected: None

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RIN: 2140-AA49

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